

Application No. 10/699,393
Response Dated November 23, 2005
Reply to Office Action of October 24, 2005

REMARKS/ARGUMENTS

Claims 1-58 were pending in the present application before the amendment as set forth above. By this Amendment, claims 9-12, 46-48 and 50-58 are withdrawn.

In the October 24, 2005 Office Communication, the Examiner stated that "[r]estriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8 and 13-18, 42-45, 49, drawn to a thrombin variant polypeptide, classified in class 435, subclass 226.
- II. Claims 9-12, drawn to a polynucleotide encoding a thrombin variant polypeptide, classified in class 536, subclass 23.2.
- III. Claims 19-41, drawn to a method treatment using a thrombin variant polypeptide, classified in class 424, subclass 94.64.
- IV. Claims 46-48, drawn to a method for characterizing the antithrombotic potential of an animal using a thrombin variant polypeptide, classified in class 435, subclass 23.
- V. Claims 50-55, drawn to a method for producing activated protein C using a thrombin variant polypeptide, classified in class 435, subclass 41.
- VI. Claims 56-58, drawn to a method for testing the protein C activity in an individual using a thrombin variant polypeptide, classified in class 435, subclass 23.

For each of Inventions I-VI above, restriction to one of the following is also required under 35 USC 121. Therefore, election is required of one of Inventions I-VI and one of Inventions (A)-(L), as indicated.

If Invention I is elected, elect one of:

- (A.) SEQ ID NO: 1
- (B.) SEQ ID NO: 2

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(C.) SEQ ID NO: 3

(D.) SEQ ID NO: 4

(E.) SEQ ID NO: 5

(F.) SEQ ID NO: 6

If Invention II is elected, elect one of:

(G.) SEQ ID NO: 5

(H.) SEQ ID NO: 6

If one of Inventions III-VI is elected, elect one of:

(I.) SEQ ID NO: 1

(J.) SEQ ID NO: 2

(K.) SEQ ID NO: 3

(L.) SEQ ID NO: 4."

Applicants through their attorney on the record and identified below appreciate very much the Examiner's preliminary review of the instant application.

In response, as set forth above, without acquiescing to the statements made therein, Applicants hereby elect with traverse the claims of Invention I, claims 1-8, 13-18, 42-45 and 49, for prosecution in the instant application. Additionally, SEQ ID NO: 3 is elected accordingly.

Additionally, claims 19-41 of Invention III disclose a method treatment using a thrombin variant polypeptide, as indicated by the Examiner, which is related to the thrombin variant polypeptide of claims 1-8, 13-18, 42-45 and 49 of Invention I. Searching claims 19-41 of Invention III thus does not impose a serious burden on the Office. Therefore, Applicants respectfully request at least the claims of Invention III, claims 19-41, be examined together with claims 1-8, 13-18, 42-45 and 49.

Additionally, claims 9-12, 46-48, 50-55 and 56-58, corresponding to Inventions II, IV, V and VI, have been withdrawn in response to the Restriction Requirement.

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Applicants believe the subject matter defined by the withdrawn claims is patentable and hence reserve every right in withdrawn claims 9-12, 46-48, 50-55 and 56-58 to file divisional and/or continuation applications.

Examination on the merits is therefore respectfully requested and this Application is believed to be in condition for allowance, and such action is earnestly solicited.

If the Examiner has any questions concerning this Response or the Application in general, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,

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